REMARKS

Double Patenting

Claims 1-13 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,473,313 (Pat. '313) in view of Justice et al. (US 6,299,266B1) further in view of Chen (US 2003/0048604 A1) (Chen '604).

In response to these, applicant has amended claims 1 and 6 to respectively define that the clip is **detachably** attached on the second side panel of the mounting bracket.

In Justice, **resilient member 220 is permanently fixed at two points 230 on the fixed portion to the side wall** using suitable fixing means such as screws or rivets. (column 3, lines 33-35) That is to say, resilient member 220 of Justice is permanently fixed to the side wall 210 of the tray 120 rather than detachably attached to the side wall as stated in claim 1 of the present invention. Thus, the resilient member 220 of Justice is different from the clip of the present invention. So, even combining Pat. '313 and the Justice and Chen, one having ordinary skill in the art cannot achieve the present invention as claimed in claim 11. Accordingly, claim 1 is patentable over claims 1-15 of Pat. '313, Justice et al. and Chen '604.

Claims 2-5 and 7-10 should also be allowable since each of them includes all of the limitations of claims 1 and 6, respectively.

In response to claim 11, applicant has amended it to define that **a distance between the palms of the clip is slightly less than a distance between the through holes of the second side panel of the mounting bracket**, and that each of the palms have barbs extending generally toward the press portion and **firmly ngaging** with the mounting bracket at the corresponding locking hole thereby securing the storage device in the mounting bracket.

In Justice, **the distance between the studs 240 of the resilient member 220 is the same as the distance between the apertures 300 of the CD-ROM drive 110**. (see Figs. 3a-3c) Even the studs of Justice is modified with the palm taught by Chen which have barbs 18, the studs of Justice can not firmly engage with the CD-ROM drive since the distance between the studs 240 of the resilient member 220 is the same as the distance between the apertures 300 of the CD-ROM drive 110. Thus, the resilient member 220 of Justice is different from the clip of the present invention. So, even combining Pat. '313 and the Justice and Chen, one having ordinary skill in the art cannot achieve the present invention as claimed in claim 11. Accordingly, claim 1 is patentable over claims 1-15 of U.S. Patent No. 6,473,313, Justice et al. and Chen '604.

Claims 12 and 13 should also be patentable since they depend from allowable claim 11 directly.

*Moreover, because Chen '604 and the instant application have the **SAME** inventor, Chen is NOT a qualified 102(e)/103 reference for rejection which requires by another person. On the other hand, Chen '604 and the instant application had the same assignee, i.e., Hon Hai Precision Ind. Co., Ltd., at the time the invention was made (see attached two assignments of these two applications). Understandably, because **(I)** Chen '604 should be the 102(e)/103 rejection reference rather than the 103 rejection reference, and **(II)** Chen and the instant application have the same assignee, Chen '604 should not be a qualified reference according to 103(c) even if Chen '604 is deemed as of another person. Thus, after removal of Chen '604, the remaining 6,473,313 and Justice et al. can no longer render obvious the claimed invention, and the double patenting rejection based upon 6,473,313 should be removed also accordingly.*

Claim Rejections under 35 U.S.C. 103

Claims 1-4, 6-9, 11-15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Justice et al in view of Adams et al., further in view of Felcman et al. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Justice et al in view of Adams et al and Felcman et al., further in view of Francovich et al.

In response to claim 1, applicant has amended it to expressly define that **the clip is detachably attached to the second side plate** of the mounting bracket. Claim 1 further defines that the mounting bracket comprises a **first side panel defining a groove for slidingly receiving screws attached on one side of the storage device** and thereby guiding the storage device into the mounting bracket.

As stated above, the resilient member 220 of Justice is permanently fixed to the side wall 210 of the tray 120 rather than detachably attached to the side wall as stated in claim 1 of the present invention. So, the resilient member 220 of Justice is **different** from the clip as stated in claim 1 of the present invention. Furthermore, in Justice, the alleged mounting bracket 120 is a tray in which the CD-ROM drive 110 is mounted. The combined tray 120 and CD-ROM 110 is slidably received in the frame 130. The CD-ROM 110 is placed into the tray 120 in a direction of upper-to-down rather than slidably moved into the tray. (see Fig. 2) So, there is no suggestion to modify the tray of Justice with the mounting bracket taught by Felcman which defines a groove for slidingly receiving protrusions 50 provided on the storage.

Accordingly, claim 1 is not rejected by but should be patentable over Justice et al, Adams et al. and Felcman et al.

Claims 2-5 should also be allowable since each of them includes all of the limitations of claim 1.

Furthermore, claim 4 further defines that **a distance between the palms is slightly less than a distance between the corresponding through holes**, and wherein when the clip is attached on the second side panel and the press portion is inwardly pressed the clip is elastically deformed to cause the hands to move away

from each other, and when the palms have entered the locking holes the clip elastically returns at least part of the way back to its original position to cause the barbs of the palms to firmly engage with the storage device.

As stated before, in Justice, the distance between the studs 240 of the resilient member 220 is the same as the distance between the apertures 300 of the CD-ROM drive 110. (see Figs. 3a-3c) Even the studs of Justice is modified with the palm taught by Adams which have barbs, the studs of Justice can not firmly engage with the CD-ROM drive since the distance between the studs 240 of the resilient member 220 is the same as the distance between the apertures 300 of the CD-ROM drive 110. None of the other references discloses such a feature. Accordingly, claim 4 is patentable over Justice et al, Adams et al. and Felcman et al.

In response to claim 6, applicant has amended it to expressly define that a mounting assembly comprises a **mounting bracket for receiving a plurality of storage devices therein**, the first side panel of the mounting bracket defines **a plurality of grooves to allow a plurality of the sliding means to slide therein and thereby guide the plurality of the storage devices into the mounting bracket**. That is, the mounting bracket of the present invention is used to receive a plurality of storage devices therein. Claim 6 further defines that the clip is **detachably** attached on the second side panel of the mounting bracket.

In Justice, the alleged mounting bracket 120 is a tray in which only one CD-ROM drive 110 is mounted. However, the mounting bracket of the present invention is for receiving a plurality of storage devices therein. The tray 120 of the Justice is therefore different from the mounting bracket as defined by the present invention. Furthermore, the resilient member 220 of Justice is permanently fixed to the side wall 210 of the tray 120 rather than detachably attached to the side wall as stated in claim 6 of the present invention. Accordingly, claim 6 is not rejected by but should be patentable over Justice et al,

Adams et al. and Felcman et al.

Claims 7-10 should also be allowable since each of they depends from claim 6 directly or indirectly.

Regarding to claim 11, applicant has amended it to expressly define that **the first side panel of the mounting bracket defines a groove to allow the sliding means to slide therein** and thereby guide the storage device into the mounting bracket. Claim 11 further defines that **a distance between the palms of the clip is slightly less than a distance between the through holes of the second side panel of the mounting bracket**, and that each of the palms have barbs extending generally toward the press portion and **firmly engaging** with the mounting bracket at the corresponding locking hole thereby securing the storage device in the mounting bracket.

As stated above, in Justice, **the distance between the studs 240 of the resilient member 220 is the same as the distance between the apertures 300 of the CD-ROM drive 110 in the lock position**. (see Figs. 3a-3c) Even the studs of Justice is modified with the palm taught by Adams which have barbs, the studs of Justice can not firmly engage with the CD-ROM drive since the distance between the studs 240 of the resilient member 220 is the same as the distance between the apertures 300 of the CD-ROM drive 110. None of the other prior art references discloses such limitations. Accordingly, claim 11 is patentable over Justice et al, Adams et al. and Felcman et al.

Claims 12-13 are should also be patentable since each of them includes all of the limitations of allowable claim 11.

In view of the foregoing, the subject application as claimed in the pending claims is in a condition for allowance and an action to such effect is earnestly solicited.

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